

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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VIRGINIA MILANES, OMAR MIGUEL FARFAN,
MANUEL ALBERTO MARTINEZ, ANDRES
GIOVANNY SANCHEZ, NANCY CASTRO, and
MARGOTH PEREZ DE CHALAMPA, on behalf of
themselves and all other similarly situated individuals,

08 Civ. 2354 (LMM)

Plaintiffs,

-against-

MICHAEL CHERTOFF, in his official capacity as
Secretary of the Department of Homeland Security,
EMILIO GONZALEZ, in his official capacity as
Director of the United States Citizenship and
Immigration Services, ANDREA QUARANTILLO,
in her official capacity as District Director of the
New York City District of the United States
Citizenship and Immigration Services,
MICHAEL B. MUKASEY, in his official capacity as
Attorney General of the United States, and
ROBERT S. MUELLER, III, in his official capacity as
Director of the Federal Bureau of Investigation,

Defendants.
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DECLARATION OF OMAR MIGUEL FARFAN

I, *Omar Miguel Farfan*, hereby declare and say that the following statements are true and correct,
under penalty of perjury:

1. I reside with my children and other relatives in Suffolk County, New York.
2. I was born in Lima, Peru in 1977. I am currently a lawful permanent resident of
the United States. At the age of 15, I came to the United States with my parents
and we became lawful permanent residents on or about March 16, 1993.

3. I am a widower raising two U.S.- born children - a five year old son and a six year old daughter. My wife died a few years ago as a result of an automobile accident.
4. I presently hold two jobs in the hospitality industry. I am also completing my associate's degree at a public college.
5. I am a homeowner of the private house in which my family and I live.
6. In 1996, after graduating from my local high school, I decided to join the U.S. Navy to serve my adopted country. I served honorably and received decorations and awards during my military service which ended in 1999.
7. While I was in the U.S. Navy, I filed a naturalization application with the U.S. INS. I wanted to become an American citizen. This process was not completed. I made some inquiries about my case but later was informed by the INS that my application was somehow lost or misplaced.
8. On or about April 29, 2004, I submitted a new N-400 application for naturalization to USCIS.
9. On September 3, 2004, I went for my scheduled fingerprint appointment.
10. On August 9, 2005, I was interviewed and informed that I had passed my naturalization examination at the USCIS New York office. See Farfan Ex. 1.
11. I was informed that I needed to wait for a notice of the date for my oath-taking ceremony.
12. There was a long delay in receiving the notice of the oath-taking ceremony for my naturalization case.
13. I have made several inquiries to USCIS about the status of my naturalization case. I made phone calls to the USCIS customer service line. I also made in-

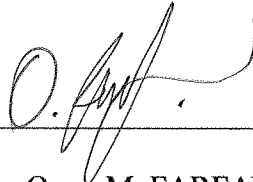
person visits to the US CIS New York City office. Each time I spoke with the USCIS official, I was informed that my application was delayed and needed to await background security checks.

14. In August 2006, I informed USCIS and obtained a confirmation letter from the USCIS regarding my report of a change in my home address. See, Farfan Ex. 2.
15. I received a letter acknowledging my inquiry of May 24, 2006 from USCIS. It also stated that my application was still "waiting for security checks". See, Farfan Ex. 3.
16. On December 26, 2006, USCIS responded to another of my inquiry letters. It stated that my case had "been delayed", and "is not ready for decision, as the required investigation into your background remains open." It further stated that "[u]ntil the background investigation is completed, we cannot move forward on your case. These background checks are required to be completed on all applicants who apply for the immigration benefit you are seeking." It instructed me to contact the USCIS if I "did not receive a decision or other notice of action within 6 months of this letter." See, Farfan Ex. 4.
17. As I became frustrated and disappointed with the naturalization program, I decided to hire a private immigration lawyer. He submitted an inquiry letter for me on November 28, 2007. It was sent also copied to the USCIS adjudications officer who had interviewed me. See, Farfan Ex.5.
18. I asked for help from my local U.S. Congressman, New York 2nd District, Mr. Steve Israel. His office contacted USCIS on my behalf.

19. On February 5, 2008, the Congressman's office supplied me with the USCIS' short reply which states: "Please be advised applicant's case is currently pending mandated security background checks. Upon receipt of a response, the applicant's case will be adjudicated accordingly." See, Farfan Ex. 6.
20. These delays are frustrating. I have taken many steps and tried my best to become an American citizen. But these delays have caused me a great deal of anxiety, worry, and concern. I served to protect this country when I joined the U.S. Navy and will continue to do so.
21. Presently, I want to be able to vote. This year's presidential election is an especially important opportunity and I want to be a part of selecting the leadership of this country. I also want to be able to participate meaningfully in civic affairs.
22. I am very concerned about the public debate on reforming the immigration laws and policies and how our immigrants will be treated in this country.
23. I am interested in law enforcement and similar employment. I want to serve my country by working in the federal government, but I cannot do so because I am not an American citizen.
24. As of this date, my naturalization application has not been adjudicated. It has been over 46 months since the date I submitted my naturalization application and over 30 months since the date of my examination.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed this 26 day of March, 2008.


_____/s
Omar M. FARFAN

8/3/05, you were interviewed by USCIS officer

MANORATH

You passed the tests of English and U.S. history and government.

You passed the tests of U.S. history and government and the English language requirement was waived.

USCIS has accepted your request for a Disability Exception. You are exempted from the requirement to demonstrate English language ability and/or a knowledge of U.S. history and government.

You will be given another opportunity to be tested on your ability to _____ speak/_____ read/_____ write _____ English.

You will be given another opportunity to be tested on your knowledge of U.S. history and government.

Please follow the instructions on Form N-14.

USCIS will send you a written decision about your application.

You did not pass the second and final test of your _____ English ability/ _____ knowledge of U.S. history and government. You will not be rescheduled for another interview for this Form N-400. USCIS will send you a written decision about your application.

A) _____ **Congratulations! Your application has been recommended for approval.** At this time it appears that you have established your eligibility for naturalization. If final approval is granted, you will be notified when and where to report for the Oath Ceremony.

B) _____ **A decision cannot yet be made about your application.**

It is very important that you:

☒ Notify USCIS if you change your address

☒ Come to any scheduled interview.

☒ Submit all requested documents.

☒ Send any questions about this application in writing to the officer named above. Include your full name, Alien Registration Number (A#,) and a copy of this paper.

☒ Go to any Oath Ceremony that you are scheduled to attend.

☒ Notify USCIS as soon as possible in writing if you cannot come to any scheduled interview or Oath Ceremony. Include a copy of this paper and a copy of the scheduling notice.

NOTE: Please be advised that under section 336 of the Immigration and Nationality Act, you have the right to request a hearing before an immigration officer if your application is denied, or before the U.S. district court if USCIS had not made a determination on your application within 120 days of the date of your examination.

OMAR FARFAN

23-25 ASTORIA BLVD APT 2ND FLO

ASTORIA, NY 11102

Received Date: 14-Aug-2006

Notice Date: 26-Sep-2006

Applicant Name: OMAR FARFAN

A-Number: 043662140

Main Phone #: 631-185-7848

Second Phone #:

Dear Applicant,

We have processed your change of address request and updated our systems to include your new address. Future correspondence from USCIS regarding your application will be sent to the mailing address on this notice.

Old Address

23-25 ASTORIA BLVD APT 2ND FLO

ASTORIA, NY 11102

Residence Address

132 SILVERLEAF LN

ISLANDIA, NY 11749

Thank you for using our new change of address by phone system. It is one of several new services that the USCIS is offering to improve the naturalization process and increase the satisfaction of our customers.

Internal use Only: Call Number 210344368 (OA) - Sensitive But Unclassified

FARFAN Ex "2"

New York, NY 10278

*Hand Delivered**May 24, 2006*

Omar Miguel Farfan
23-25 Astoria Blvd. 2nd flr.
Long Island City, NY 11102

Dear Applicant:

This will acknowledge receipt of your inquiry dated May 24, 2006 regarding the status of your application for naturalization.

Please be advised that your application is pending receipt for security checks. Upon receipt of all security checks, a decision will be made on your application for naturalization.

We hope the information provided is helpful. Thank you for your patience and cooperation in this matter.

Sincerely,

C. Hernandez
Immigration Information Officer
Naturalization Section
New York District

FARFAN Ex. 3



Tuesday, December 26, 2006

OMAR M FARSAN
132 SILVERLEAF LN
ISLANDIA NY 11749

Dear OMAR M FARSAN:

On 10/10/2006 you, or the designated representative shown below, contacted us about your case. Some of the key information given to us at that time was the following:

Caller indicated they are:	The applicant
Attorney Name:	Information not available
Case type:	N400
Filing date:	04/29/2004
Receipt #:	
Beneficiary (if you filed for someone else):	FARSAN, OMAR, M
Your USCIS Account Number (A-number):	A043662140
Type of service requested:	Case Status - Outside Processing Time

The status of this service request is:

The processing of your case has been delayed. A check of our records establishes that your case is not yet ready for decision, as the required investigation into your background remains open.

Until the background investigation is completed, we cannot move forward on your case. These background checks are required to be completed on all applicants who apply for the immigration benefit you are seeking. We will make every effort to make a decision on this case as soon as the background checks are complete. If you do not receive a decision or other notice of action from us within 6 months of this letter, please contact us by calling our customer service number provided below.

If you have any further questions, please call the National Customer Service Center at 1-800-375-5283.

Please remember: By law, every person who is not a U.S. citizen and who is over the age of 14 must also notify the Department of Homeland Security within 10 days from when they move (persons in "A" or "G" nonimmigrant status are exempt from this requirement). If you have moved, please complete a Form AR-11 and mail it to the address shown on that form. If you do not have this form, you can download it from our website or you can call the National Customer Service Center at 1-800-375-5283 and we can order one for you. If you move, please call us with your new address information as soon as your move is complete. If you have already called us and given us this information, you do not need to call again.

U.S. Citizenship and Immigration Services

U.S. CIS - 12-26-2006 10:40 AM EST

FARSAN Ex 4

FEINBLOOM BERTISCH LLP
Counselors at Law

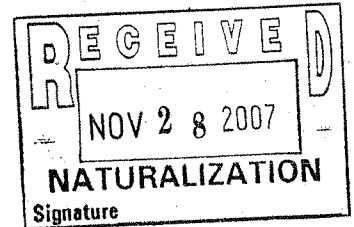
Jeffrey A. Feinbloom
Sharyn Feinbloom Bertisch
Jonathan M. Davis (admitted in CA only)

28 November 2007

VIA HAND

USCIS

Naturalization Section
26 Federal Plaza, 7th Floor
New York, NY 10278
Attn: SDAO Halide Jafer



Re: FARFAN, Omar M. // A43 662 140
N-400 Application for Naturalization
Date of Interview: 9 August 2005 (DAO Indra Manorath)

STATUS INQUIRY AND REQUEST FOR ADJUDICATION

Dear Officer Jafer,

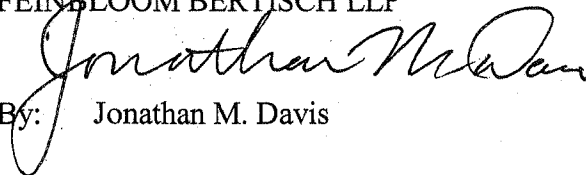
Our office represents Mr. Omar M. Farfan ("Applicant") in connection with the above-referenced application for naturalization. A duly executed Form G-28 is enclosed herewith.

Our client was interviewed by Officer Manorath on 9 August 2005 in New York City (26 Federal Plaza). At that time, he passed the English and U.S. history/government tests and was instructed that he would be notified of a decision by mail. (See enclosed N-400 receipt notice, Form N-652, and change of address notice.) To date, and despite numerous inquiries, no decision has been made on this application.

Please immediately adjudicate the application or contact the undersigned to inform us of the reason for such delay, so as to avoid unnecessary, expensive, and time consuming litigation.

Thank you for your courtesy and attention to this matter.

Very truly yours,
FEINBLOOM BERTISCH LLP


By: Jonathan M. Davis

Enclsrs.

cc: DAO Indra Manorath
Mr. Omar M. Farfan (w/o enclosures)

STEVE ISRAEL

Second District, New York

February 5, 2008


Mar Farfan
2 Silverleaf Lane
Andia, NY 11749

Mar Omar:

order that I might provide you with a response to your inquiry, I have contacted USCIS. Enclosed is their
ponse, which I hope is helpful.

ank you again for contacting my office, please do not hesitate to contact Silvana Diaz at my Hauppauge District
fice if I can be of assistance in the future.

Sincerely,



STEVE ISRAEL
Member of Congress

sd

FARFAN EX. 6

House of Representatives

STEVE ISRAEL

Second District, New York

E-mail Response:

Please be advised applicant's case is currently pending mandated security background checks.
Upon receipt of a response, the applicant's case will be adjudicated accordingly.